

D/A

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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ANTON PURISIMA,

Plaintiff,

-against-

LANG LANG INTERNATIONAL MUSIC
FOUNDATION; LANG LANG, also known as
“Chinese Pianist”; XI-JIPING, also known as Vice
President of People’s Republic of China, “China”;
WANG QISHAM, Vice-Premier of People’s
Republic of China; JIANG ZEMIN, also known as
Leader of the Chinese Communist Party (CCP)
from 1989-2002; JANE DOE; and JOHN DOE,

Defendants.
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ANTON PURISIMA,

Plaintiff,

-against-

BO XILAI, also known as Secretary of the Chinese
Communist Party in Chongqing, “China”; JOHN
DOE; and JANE DOE,

Defendants.
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NICHOLAS G. GARAUFIS, United States District Judge.

ORDER

11-CV-5052 (NGG) (LB)

FILED
IN CLERK'S OFFICE
U S DISTRICT COURT E.D.N.Y.
★ AUG 15 2012 ★

BROOKLYN OFFICE

11-CV-5523 (NGG) (LB)

On May 9, 2012, Plaintiff Anton Purisima filed the instant motion to “vacate” this court’s previous Orders and the Clerk of Court’s final judgments in Purisma v. Lang Lang International Music Foundation, No. 11-CV-5052 (NGG) (LB) (“Purisma V”); and Purisma v. Bo Xilai, No. 11-CV-5523 (NGG) (LB) (“Purisma VI”). (Pl. Mot. to Vacate (Purisma V Docket Entry # 5; Purisma VI Docket Entry # 9).) The court construes this motion as being brought pursuant to Federal Rule of Civil Procedure 60, which permits a court to relieve a party from a final

judgment or order under certain circumstances. The motion is DENIED.

This court summarized Purisima's history of litigation in its February 29, 2012, Memorandum and Order in Purisima VI. (Purisima VI Docket Entry # 8.) That history includes a prior action—Purisima v. Tiffany Entertainment, No. 09-CV-3502 (NGG) (LB) (“Purisima I”)—that remains pending in this court. Three subsequent cases—Purisima v. Asian Marketing, No. 11-CV-1919 (NGG) (LB) (“Purisima II”), Purisima v. Zheng, No. 11-CV-2381 (NGG) (LB) (“Purisima III”), and Purisima v. President Hu-Jintao, No. 11-CV-2967 (NGG) (LB) (“Purisima IV”)—were consolidated with Purisima I. (Purisima I Docket Entry # 57.) By Orders dated November 4, 2011, and December 14, 2011, the court dismissed Purisima V and Purisima VI because they were duplicative of Purisima I and because they were frivolous (the “Dismissal Orders”). (Purisima V Docket Entry # 3; Purisima VI Docket Entry # 3.) The Clerk of Court entered judgment in those actions on November 7, 2011, and February 2, 2012 (the “Dismissal Judgments”). (Purisima V Docket Entry # 4; Purisima VI Docket Entry # 6.)

In his instant motions, Purisima argues that the Dismissal Orders and Dismissal Judgments should be vacated because Purisima I “was used as [a] basis of ‘duplicates’ of [Purisima V and Purisima VI]” and Purisima I “is in a process of ‘final judgment.’” (Pl. Mot. to Vacate at 1.) He attaches to his motions an April 30, 2012, Order of this court in Purisima I referring a motion to dismiss filed by the defendants in that case to Magistrate Judge Lois Bloom for a report and recommendation. (Id. at 2.)

Purisima appears to be suggesting that because Purisima I remains open and is awaiting a “final judgment,” this court’s Dismissal Orders and the Clerk’s Dismissal Judgments in Purisima V and Purisima VI should be vacated. That is not a valid ground for Rule 60 relief.

The fact that Purisma I remains open does not change the court's conclusions as to Purisma V and Purisma VI; to the contrary, the existence of Purisma I is the very reason why Purisma V and Purisma VI are duplicative. Purisma V and Purisma VI were frivolous when filed and are frivolous today. Purisma's motions to vacate are therefore DENIED.

SO ORDERED.

Dated: Brooklyn, New York
August 14, 2012

s/Nicholas G. Garaufis

NICHOLAS G. GARAUFIS
United States District Judge